

EXHIBIT 9

Zwillinger, Zachary S.

From: Pavel, Ashley <apavel@omm.com>
Sent: Friday, August 28, 2020 1:04 PM
To: Bassett, Nicholas
Cc: Jones, Jennifer L.; ebarak@proskauer.com; Possinger, Paul V.; Stafford, Laura; Dale, Margaret A.; Friedman, Peter; McKeen, Elizabeth L.; Mitchell, Nancy; DiConza, Maria J.; Spillane, Meghan K; Despina, Luc A.; Bongartz, Alex; Zwillinger, Zachary S.; Roth, Joseph L.; Maza, Shlomo; Arrastia, John
Subject: [EXT] RE: Discovery Relating to Motion to Terminate PREPA RSA

The Government Parties consent to the Committee's proposed briefing schedule.

From: Bassett, Nicholas <nicholasbassett@paulhastings.com>
Sent: Friday, August 28, 2020 7:12 AM
To: Pavel, Ashley <apavel@omm.com>
Cc: Jones, Jennifer L. <jljones@proskauer.com>; ebarak@proskauer.com; Possinger, Paul V. <ppossinger@proskauer.com>; Stafford, Laura <lstafford@proskauer.com>; Dale, Margaret A. <mdale@proskauer.com>; Friedman, Peter <pfriedman@omm.com>; McKeen, Elizabeth L. <emckeen@omm.com>; Mitchell, Nancy <nmitchell@omm.com>; DiConza, Maria J. <mdiconza@omm.com>; Spillane, Meghan K <MSpillane@goodwinlaw.com>; lucdespina@paulhastings.com; Bongartz, Alex <alexbongartz@paulhastings.com>; Zwillinger, Zachary S. <zacharyzwillinger@paulhastings.com>; Maza, Shlomo <shlomomaza@paulhastings.com>; Arrastia, John <jarrastia@gjb-law.com>
Subject: RE: Discovery Relating to Motion to Terminate PREPA RSA

[EXTERNAL MESSAGE]

Ashley,

The Committee is not manufacturing urgency. We filed our motion to dismiss on regular notice, and we are entitled to discovery on it. Rule 34 expressly permits the Court to require responses to document requests in less than 30 days, and that happens all the time in contested matters.

Your statement that the Committee has not met and conferred in good faith—and that a motion to compel is therefore not ripe—is completely untrue. We've offered repeatedly through email, and during our meet and confer, to limit our discovery requests and develop search parameters to reduce or eliminate any burdens the discovery may impose on the Government Parties. The Government Parties, however, have made clear from the outset that they will not engage in these discussions; therefore, there was never any point for the Committee to unilaterally propose revisions to its already narrowly-tailored requests. Nevertheless, in response to your privilege concerns, I mentioned on our call the possibility of removing all communications with outside counsel from searches. You made clear that the Government Parties will not entertain that proposal.

Given that the Government Parties are not willing to provide any of the requested discovery or engage in further discussions, it is clear that the meet and confer process has concluded, and we feel we have no choice but to move to compel. We intend to file an urgent motion to compel later today. Please let us know if you will consent to a briefing schedule setting an objection deadline of next Tuesday, September 1, and a reply deadline of next Thursday, September 3.

Regards,
Nick



Nick Bassett | Of Counsel

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From: Pavel, Ashley <apavel@omm.com>

Sent: Thursday, August 27, 2020 6:01 PM

To: Bassett, Nicholas <nicholasbassett@paulhastings.com>

Cc: Jones, Jennifer L. <jljones@proskauer.com>; ebarak@proskauer.com; Possinger, Paul V.

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<shlomomaza@paulhastings.com>; Arrastia, John <jarrastia@gjb-law.com>

Subject: [EXT] RE: Discovery Relating to Motion to Terminate PREPA RSA

Nick-

The Government Parties disagree with the Committee's persistent attempt to manufacture urgency where none exists, both with the discovery requests and the Motion to Terminate. The Committee transmitted its requests to PREPA and FOMB on August 19, 2020-- just eight days ago. Under the applicable rules, objections and responses to the Committee's document requests would not be due until September 18, 2020. The Committee improperly demanded a September 1, 2020 response date in its requests, and now threatens motion practice if the meet and confer hasn't concluded by August 28, 2020, four days before its arbitrarily shortened deadline. These demands are inconsistent with the governing rules and with the Committee's obligation to meet and confer in good faith.

The Government Parties cannot agree to the stipulation the Committee proposed because it is not accurate.

Furthermore, there is no need for any of the discovery the Committee demands. As the Court ordered, the Government Parties will provide submit a status report regarding the progress of their consideration of the RSA on September 25, 2020, at which point they are hoping to be in a position to provide more concrete information with respect to their position regarding the RSA and the 9019 motion. The Committee's impatience with the timetable the Court set does not justify expansive email discovery and multiple depositions so that the Committee can front-run the Court's schedule by a couple of weeks.

With respect to the Committee's discovery requests, the Government Parties cannot agree to subject their ongoing deliberations regarding the RSA and the 9019 motion to discovery. The face of the Committee's requests seek documents and testimony that are protected by the attorney-client, work-product, and deliberative process privileges. While the Committee has expressed a willingness to tailor its requests to address the Government Parties' privilege concerns, the Committee has offered no such proposal. Given the requests are intentionally targeted to discovering ongoing deliberations, it does not appear to the Government Parties that such a compromise will be possible.

In addition to privilege concerns, the Government Parties further object to the Committee's discovery requests on the grounds that the discovery as drafted is unduly burdensome and bears no connection to the needs of the case. For example, the Committee has noticed four depositions to litigate what is essentially a motion for reconsideration of the Court's scheduling order on the 9019 Motion. There are no upcoming deadlines in the PREPA Title III case that could possibly warrant such discovery on a procedural motion. While the Committee

has offered to meet and confer regarding ways to address the burden issue, it has not put forward any proposal as to how that could be accomplished on terms the Committee would accept.

If the Committee believes that a motion to compel is ripe, then the Government Parties cannot stop you, but we will oppose that motion for all the reasons we've already provided.

Best,
Ashley

O'Melveny

Ashley Pavel

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-----Original Message-----

From: Bassett, Nicholas <nicholasbassett@paulhastings.com>

Sent: Wednesday, August 26, 2020 4:28 PM

To: Pavel, Ashley <apavel@omm.com>

Cc: Jones, Jennifer L. <jljones@proskauer.com>; ebarak@proskauer.com; Possinger, Paul V.

<ppossinger@proskauer.com>; Stafford, Laura <lstafford@proskauer.com>; Dale, Margaret A.

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Zwillinger, Zachary S. <zacharyzwillinger@paulhastings.com>; Maza, Shlomo <shlomomaza@paulhastings.com>;

Arrastia, John <jarrastia@gjb-law.com>

Subject: Re: Discovery Relating to Motion to Terminate PREPA RSA

[EXTERNAL MESSAGE]

Ashley and all,

Following up. We need to know if the Government Parties (and their advisors) are willing to respond our discovery requests and, if so, what they are willing to produce. We are preparing an urgent motion to compel and plan to file it no later than Friday unless we have an agreement on the discovery by then.

Thanks,
Nick

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On Aug 25, 2020, at 8:47 PM, Pavel, Ashley <apavel@omm.com> wrote:

Nick –

We've received your email and are conferring with our clients and their advisors. We will respond in due course; however, it may not be before the end of today.

Thanks,
Ashley

From: Bassett, Nicholas <nicholasbassett@paulhastings.com>
Sent: Tuesday, August 25, 2020 10:37 AM
To: Jones, Jennifer L. <jljones@proskauer.com>; ebarak@proskauer.com; Possinger, Paul V. <ppossinger@proskauer.com>; Stafford, Laura <lstafford@proskauer.com>; Dale, Margaret A. <mdale@proskauer.com>; Friedman, Peter <pfriedman@omm.com>; McKeen, Elizabeth L. <emckeen@omm.com>; Pavel, Ashley <apavel@omm.com>; Mitchell, Nancy <nmitchell@omm.com>; DiConza, Maria J. <mdiconza@omm.com>; Spillane, Meghan K <MSpillane@goodwinlaw.com>
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Subject: RE: Discovery Relating to Motion to Terminate PREPA RSA

[EXTERNAL MESSAGE]

All – Thanks for taking the time to speak yesterday. As discussed, the Committee remains willing to discuss custodians, search terms, privilege review limitations, further date restrictions and/or other ways to alleviate any concerns of the Government Parties that responding to our discovery requests in the time available would be overly burdensome. Our takeaway from the conversation, however, is that the Government Parties are not willing to produce any documents or make any witnesses available for deposition on relevance grounds. At the end of our call, you said you would follow up in writing to confirm that this is the Government Parties' position. We ask that you please provide such written confirmation by the end of the day today on behalf of the FOMB, PREPA, and their advisors (including Citi).

As discussed, the Committee also remains open to entering into a stipulation that could obviate the need for the requested discovery. We would propose the following or something substantially similar: "The Government Parties stipulate and agree that (i) the RSA no longer remains viable in its current form, (ii) they will not ask the Court to approve the RSA in its current form through the 9019 Motion, and (iii) they do not know whether or when they will seek approval of a new or revised RSA."

In addition, we would ask you to stipulate and agree that Jose Ortiz, Fernando Padilla, and Natalie Jaresko made the statements quoted in our motion and that the quotes are accurate.

Nick

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Sent: Saturday, August 22, 2020 1:47 PM
To: 'Jones, Jennifer L.' <jljones@proskauer.com<mailto:jljones@proskauer.com>>; Barak, Ehud
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Subject: RE: Discovery Relating to Motion to Terminate PREPA RSA

Jennifer,

It is hard for us to understand how responding to a single, time-limited document request could possibly involve an “incredible waste of time and resources,” particularly given that we are, of course, willing to confer about custodians, search terms, and other search parameters. The same is true for our request for abbreviated, remote depositions. As for your concern about privileged documents, we are happy to discuss potential ways to reduce the need to review certain categories of privileged materials. With regard to timing, we reject the notion that discovery relating to a duly-noticed contested matter cannot occur within less than 30 days in these cases, particularly when the discovery is as narrow and limited as ours.

Although we believe it is unnecessary for us to serve separate subpoenas on advisors, we will do so. We will assume that O'Melveny is able to accept service on behalf of Ankura (as it did in connection with the previous 9019 Motion discovery), but let us know if that is not the case.

We are available to meet and confer after 4:30 on Monday.

Nick

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From: Jones, Jennifer L. <jljones@proskauer.com<mailto:jljones@proskauer.com>>

Sent: Saturday, August 22, 2020 12:18 PM

To: Bassett, Nicholas <nicholasbassett@paulhastings.com<mailto:nicholasbassett@paulhastings.com>>; Barak, Ehud <ebarak@proskauer.com<mailto:ebarak@proskauer.com>>; Possinger, Paul V. <ppossinger@proskauer.com<mailto:ppossinger@proskauer.com>>; Stafford, Laura <lstafford@proskauer.com<mailto:lstafford@proskauer.com>>; Dale, Margaret A. <mdale@proskauer.com<mailto:mdale@proskauer.com>>; Friedman, Peter <pfriedman@omm.com<mailto:pfriedman@omm.com>>; McKeen, Elizabeth L. <emckeen@omm.com<mailto:emckeen@omm.com>>; Pavel, Ashley <apavel@omm.com<mailto:apavel@omm.com>>; Mitchell, Nancy <nmitchell@omm.com<mailto:nmitchell@omm.com>>; DiConza, Maria J. <mdiconza@omm.com<mailto:mdiconza@omm.com>>

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Subject: [EXT] RE: Discovery Relating to Motion to Terminate PREPA RSA

Nick,

The Government Parties object to the discovery you have transmitted, which would involve an incredible waste of time and resources. In addition, the requested discovery is irrelevant, overwhelmingly seeks information that is subject to the attorney client, attorney work product and deliberative process privileges, is overbroad, unduly burdensome and disproportionate to the needs of the matter, and purports to require response within less than the 30 days provided by the rules. The Government Parties reserve the right to object on additional grounds in formal responses and objections.

We will nonetheless make ourselves available to meet and confer as you have requested. Please let us know if you are available in the following windows:

- Monday: noon-1pm, 2pm-3pm, or after 4:30 eastern
- Tuesday: 1-3pm eastern

Regarding acceptance of service, we are checking regarding acceptance of service of the notices of deposition issued to Mr. Skeel and Mr. Ortiz, and will respond to you next week. We note that the discovery requests issued to the Oversight Board and PREPA purport to propound discovery on these entities as well as their "representatives and advisors" including, Ankura, McKinsey, and Citi. As with the discovery issued in connection with the 9019 motion, if the UCC wishes to propound discovery on these third parties, it must subpoena these third parties individually.

Jennifer L. Jones
Attorney at Law

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From: Bassett, Nicholas <nicholasbassett@paulhastings.com<mailto:nicholasbassett@paulhastings.com>>
Sent: Wednesday, August 19, 2020 3:31 PM
To: Barak, Ehud <ebarak@proskauer.com<mailto:ebarak@proskauer.com>>; Possinger, Paul V.
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Subject: Discovery Relating to Motion to Terminate PREPA RSA

This email originated from outside the Firm.

Counsel:

Please find attached the Committee's discovery requests directed to the Oversight Board and PREPA in connection with the Committee's motion to terminate the PREPA Rule 9019 Motion [Docket No 14056].

As you will see, the attached document requests consist of one request directed to each of the Oversight Board and PREPA relating to the status of the RSA and 9019 Motion. We are also serving (i) Rule 30(b)(6) deposition notices covering this same topic, and (ii) individual deposition notices on David Skeel and Jose Ortiz. Please let us know if you are able to accept service of the notices directed to these individuals.

We are available to meet and confer regarding the discovery to address any questions or concerns. We expect that the depositions would be limited to a few hours each and, of course, we are willing to do them remotely. We are also happy to explore a stipulation regarding the status of the RSA that could potentially obviate the need for this discovery entirely.

Regards,
Nick

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